

1 DANIEL JOHNSON, Jr. (State Bar No. 57409)
2 DIANE MASON (State Bar No. 168202)
3 MORGAN, LEWIS & BOCKIUS LLP
4 One Market, Spear Street Tower
5 San Francisco, CA 94105-1126
6 Tel: 415.442.1000
7 Fax: 415.442.1001
8 Email: djohnson@morganlewis.com
9 dmason@morganlewis.com

10 Attorneys for Defendants
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,
16 Plaintiff,
17
18 vs.
19 DEPUY, INC. AND DEPUY SPINE, INC.,
20 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

21 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are
22 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants
23 had an extension of time up to and including May 28, 2008 to answer or otherwise respond to
24 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15
25 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law
26 Unfair Competition.


27 The parties have exchanged drafts of a settlement agreement, however, a new issue has
28 recently been raised that the parties are considering. The parties are still hopeful that they will be
able to finalize their settlement and dismiss this matter shortly. Thus, the parties, by and through
their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional

1 extension of thirty days (30) days to answer or otherwise respond to Plaintiff's Complaint, up to
2 and including June 27, 2008.

3 This will be the tenth extension of time entered in this case, however, the earlier
4 extensions of time were for less than thirty days. This stipulation is not entered into for any
5 purposes of delay. Rather, the parties have a good faith belief that they will shortly settle this
6 matter and, under such circumstances, do not wish to unnecessarily expend either the Court's or
7 their time and resources on further litigation.

8 Dated: May 27, 2008

MORGAN, LEWIS & BOCKIUS LLP

9
10 By 
Diane J. Mason

11 Attorneys for Defendant DEPUY, INC. and
12 DEPUY SPINE, INC.

13 Dated: May 27 2008


HELLER EHRMAN LLP

14
15 By 
16 Harold J. Milstein

17 Attorneys For Plaintiff SPOTLIGHT
18 SURGICAL, INC.

19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21
22 Dated: 5/28/08


The Honorable Jeremy Fogel
United States District Judge